

Officer Recommendation: Prior Approval Refused

DATE VALID - 8th April 2026
TARGET DATE - 27th May 2026

APPLICATION NUMBER – 26/00558/PAP3MA

LOCATION:

Kimberley Clark Europe Douglas House 40 London Road Reigate Surrey

APPLICANT:

Watercastle Douglas Ltd
C/o Agent

AGENT:

Allen Planning Ltd
Harrogate Business Centre
Hammerain House
Hookstone Avenue
Harrogate
North Yorkshire
HG2 8ER

PROPOSAL:

Prior Notification requirement under Part MA of the GPDO for the change of use of Class E space to form 37 apartments.

SITE VISIT DATE: 17th April 2026

This application is made under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class MA seeking a determination as to whether the prior approval of the authority is required as to the items listed under condition MA.2.

SITE AND PROPOSAL

Douglas House is located at the corner of Rushworth Road and London Road in Reigate Town Centre, adjacent to the railway station. The Range, a former Homebase store, is located to the east of the site. The site sits just outside the Reigate Town Centre Conservation Area to the south of the site on the opposite side of Rushworth Road. Two properties to the south of the site within the conservation area, 26 and 28 London Road, are Grade II listed buildings. The site is classified as being in Flood Zone 1 (least risk of flooding) and at low risk from surface water and groundwater flooding. The site is classified as being in a high accessibility area for the purpose of the Council's parking standards.

The proposal is to convert the ground floor, first floor and second floor to 37 x 1 bedroom flats. The lower ground floor is to remain in office use, but cycle and refuse stores would be added.

RELEVANT PLANNING HISTORY

None are considered to be relevant to this prior approval application. The office building was approved in 1983, under permission 82P/0795/0 - The provision of approximately 1,718sqm offices, over a self-contained national tyre services depot. The provision of a

2,210sqm retail, DIY cash and carry warehouse, excluding the sales of food, and the provision of car parking to the required provision.

In addition, a certificate of lawful development for the use of the site under Class B1 (office) was granted under LPA reference CLP/96P/0070 which allowed for non-compliance with condition 14 which restricted the size of office suites.

The last permission granted was in 1997 when a planning application was approved for a new reception, roof plant enclosure and elevation changes under application reference 97/05330/F.

An application for a replacement office building ref. 22/00615/F was recommended for approval and Planning Committee voted in favour of granting the permission subject to the completion of a S106 in September 2023. However this legal agreement was never completed and so the application remains undetermined at this time.

On review there is no condition on the historic permissions which specifically prevents the change of use of the building to residential under this class.

CONSULTEES

Highway Authority - No objection raised. Conditions recommended were the prior approval granted.

Environmental Protection - No objection subject to conditions and informatives relating to asbestos removal and ground contamination.

ASSESSMENT against Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class MA, Paragraph MA.1:

Development not permitted

MA.1 Development is not permitted by Class MA -

a) (This part was omitted from the General Permitted Development Order in March 2024)

b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The building is vacant but was last in use as an office for a financial or professional service (Class A2 use) for many years prior to it becoming vacant, therefore the above requirement is met.

(c) (This part was omitted from the General Permitted Development Order in March 2024)

(d) if land covered by, or within the curtilage of, the building—

(i) is or forms part of a site of special scientific interest;

(ii) is or forms part of a listed building or land within its curtilage;

(iii) is or forms part of a scheduled monument or land within its curtilage;

(iv) is or forms part of a safety hazard area; or

(v) is or forms part of a military explosives storage area; It does not.

The site does not form part of any of the above.

(e) if the building is within—

(i) an area of outstanding natural beauty;

- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
- iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;

The application site does not fall within any of these designated areas.

- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not in agricultural use, therefore the above criteria is not applicable.

- (g) before 1 August 2022, if—

- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
- (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3

Not applicable.

CONDITIONS, paragraph MA.2:

- (1) Development under Class MA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- (a) Transport and highways impacts of the development, particularly to ensure safe site access:

The application site is located within an area of High Accessibility as defined within the Council's Development Management Plan 2019 (DMP). The proposal is for 37 bed flats, which would require 37 parking spaces for the flats and 8 visitor spaces to comply with the Council's parking standards as set out in the DMP. It is understood there are 87 parking spaces available on site. This would leave 42 spaces left available for the retained office space on the lower ground floor with a GIA of 907m², for which the Council's maximum standards would require 30 spaces. Therefore, even with the retained office space on the lower ground floor, there would be adequate parking for both the proposed flats and retained office space.

The County Highway Authority (CHA) has been consulted on the application and they have raised no objection to the proposed level of parking subject to a condition securing 45 spaces for the residential development in the event of an approval.

In terms of transport and highway impacts the CHA has raised no objection subject to conditions in relation to required improvements to the footway both sides of Rushworth Road at its junction with Reigate Road, a Demolition and Construction Transport Management Plan (DCTMP), requirements for electric charging points and cycle parking and a Travel Statement. The CHA did request a condition to close up the most southern access on to Douglas Road, however, the Council's understanding is that this access would still be needed to access the retained car park area.

In terms of the improvements to the footway at the Reigate Road junction with Rushworth Road the CHA has advised that "the development will change the travel habits of users of the site meaning the site will change from a trip destination to a trip origin, therefore requiring improved pedestrian infrastructure on the site's door step. This will encourage use of walking to the town centre. Apart from the Reigate Road junction

with Rushworth Road there are good pedestrian links with dropped kerbs and tactile paving to Reigate town centre." On this basis it is considered that such a condition is necessary to ensure safe pedestrian access to the site and improve the accessibility of the site for walking and public transport, and would be secured were the application recommended for approval.

In terms of the travel statement condition the CHA has advised "I have recommended a condition asking for a travel statement for employment, education, retail, leisure and medical land uses within 2 km walking distance and 5km cycling distance from the development and further afield using public transport within 800 metres of the site and provide details of how this information shall be provided to the residents of the proposed development. This Travel Statement should also include details of the car club vehicles in Redhill."

It is noted that waste storage would be incorporated into the lower ground floor, however further details are required in relation to the exact capacity required for this site and collection arrangement. These would be secured by condition were the application recommended for approval.

It is therefore considered that the change of use would be acceptable on parking, safety and capacity grounds subject to the conditions referenced above.

(b) Contamination risks in relation to the building:

The Contaminated Land Officer has been consulted on the application and raised no objection. Conditions and informatives have been recommended relating to asbestos disposal and ground contamination. During the course of the application it was established that the proposal would not include any ground works and so full contamination investigation was not considered necessary. Therefore, a condition in relation to asbestos and unexpected contamination would be secured were the application recommended for approval.

(c) Flooding risks in relation to the building:

The site is located in Flood Zone 1 and also is at low risk of surface water flooding. The building also falls outside the flood zone plus climate change extent. Therefore the proposal site is at low overall risk of flooding from any sources and is acceptable in this regard.

(d) Impacts of noise from commercial premises on the intended occupiers of the development.

The site is in a mixed use area in the Town Centre, close to the railway station. There is a retail unit to the east of the site, to the north of the site opposite are office buildings and to the south are existing residential properties. Whilst the applicant has not provided a noise assessment given the context of the site where the neighbouring buildings are a reasonable distance away and their uses are not likely to result in adverse noise impacts, it is considered that the building would provide a suitable acoustic environment for future residents. Therefore the proposed development complies with relevant NPPF paragraph on noise.

(e) where—

- (i) the building is located in a conservation area, and
- (ii) the development involves a change of use of the whole or part of the ground floor the impact of that change of use on the character or sustainability of the conservation area;

The site is not in a conservation area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

From 1 August 2020, there is a requirement to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required in relation to the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Paragraph W, 2A states that "(2A) Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses. "

The application is supported by a Daylight Assessment. The assessment concludes that it would meet the criteria set out in the BR209 (2022) test and therefore demonstrates that all habitable rooms would receive adequate daylight.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

The above criteria is not applicable in this case as the site is not located in an area considered important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006 the impact on the local provision of the type of services lost; and

The application does not involve the loss of these uses.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

These criteria are not applicable. The development does not meet the fire risk condition because it is less than 18 metres and 7 storeys tall and therefore a consultation to the Health and Safety Executive is not required and no assessment of fire safety impacts on intended occupants is required.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

This application was made after 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph. Paragraph W:

W - (1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

(bc) in relation to development proposed under Class G, M, MA, N, O, P, PA or Q of this Part, a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;

The applicant has provided this information. The proposal complies with the nationally described space standards in terms of the total floor space and storage space. The plans also show that the proposed 1B1P units would all meet the minimum room widths

and floors areas, however, the submitted plans clearly indicate that the flats highlighted in green on the first and second floor plans are proposed as 1 bedroom, 2 person dwellings. While the flats would exceed the minimum size for a 1 bedroom, 2 person dwellinghouse, this is only one aspect of the development, and the bedrooms would not meet the minimum size, having a minimum width of 2.55m and floor area of 11.2m². Both of these measure below the minimum of 2.75m in width and 11.5m² floor area requirements set out in the Nationally Described Space Standards (NDSS) at paragraph 10. d. and e. for a double bedroom. It is noted that the NDSS paragraph 7. states: "Minimum floor areas and room widths for bedrooms and minimum floor areas for storage are also an integral part of the space standard. They cannot be used in isolation from other parts of the design standard or removed from it". If these bedrooms were to be occupied by two people, then it would not be compliant with the NDSS and the provisions of Article 3 (9A) (a) and (b) of the GPDO. Article 3 of the GPDO is clear that Schedule 2 does not grant permission for, or authorise any development of, a new dwellinghouse unless the NDSS is met.

The development would not therefore comply with the NDSS issued by the Department for Communities and Local Government on 27th March 2015 and would conflict with article 3 (9A) of the GPDO.

CONCLUSION

Accordingly, objection is raised having regard to the proposed development failing to meet the minimum internal space standards contained within the NDSS, hence PRIOR APPROVAL IS REFUSED.

Permission be Prior Approval Refused

1. The proposal would, by virtue of the floor area and room widths of the bedrooms for the 2 x 1B2P units, fail to comply with the Nationally Described Space Standard (NDSS). The proposal would therefore fail to comply with Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse that does not comply with the NDSS issued by the Department for Communities and Local Government on 27th March 2015 (as set out in Article 3 (9A) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).